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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/588,289	03/26/2007	Andrew Charlton Clothier	424662013300	2200

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EXAMINER	
PAUL, ANTONY M	
ART UNIT	PAPER NUMBER
2837	
MAIL DATE	DELIVERY MODE
03/24/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No.	Applicant(s)	
	10/588,289	CLOTHIER ET AL.	
	Examiner	Art Unit	
	ANTONY M. PAUL	2837	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 09 March 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.
   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: *11,12,28 and 29*.
   Claim(s) rejected: *1 thru 5, 8, 9, 10, 13 thru 16, 18, 19, 20, 30 and 31*.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☒ Other: Examiner's comments.

/BENTSU RO/
Primary Examiner, Art Unit 2837

EXAMINER'S COMMENTS:

Continuation of 11. does NOT place the application in condition for allowance because:

Applicants' argue that Yamamoto do not disclose applying a single angle correction factor to a portion of a predetermined advance angle profile covering a range of different rotor speeds. After understanding of the applicants' disclosure, prior art(s) teaching, the final office action dated 12/09/09 and applicants' remarks dated 03/09/10, the arguments presented by the applicants' are not persuasive.

Applicants' fig. 9 shows advance angle correction (for example 2.1) associated with a voltage (207 V). The advance angles are shown varied for respective voltages shown.

Yamamoto shows in fig. 5 advance angle control map 191 included in a controller IC 173 (fig.4) and a single correction factor read on to for example, the advance angle of 2.1 (which is defined as the degree of the phase angle to be corrrected, see [0021] of Yamamoto), which is applied to a predetermined portion of the advance angle control map 191. The advance angle of Yamamoto is a correction advance angle as it is used as the degree of the phase angle to be corrected. Similar to applicants' fig. 9, the advance angle correction is associated with a voltage, for example, the single advance angle correction factor of 2.1 corresponds to voltage range of 10 to 10.5V (and/ current of 1-3 A) and therefore covering a range of rotor speeds are obvious in that the speed range is based upon the voltage and/ current applied to the motor.

Moreover Ookawa teaches covering a range of rotor speeds as fig. 19 shows advance angle correction covering a range of speeds of the motor (fig.18). Therefore Yamamoto in view of Ookawa teaches the argued limitations of claim 1 and claims 1-5, 8, 18, 19, 20, 30 stand rejected. Claims 9, 10, 13-16 and 31 are taught by Yamamoto in view of Kaplan et al.

Applicants' further argue that the controller does not apply a correction factor to any of the values stored by the map, nor is a correction factor produced for any of the values stored by the map. Instead, the controller of Yamamoto selects from the map an advance angle that corresponds to batteryvoltage and current. After selecting an advance angle, the controller does not then correct the selected angle.

The above argument does not read on to the claim language for claims 1 and 9.